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White Man's Comedy, Black Man's Agony

We went over to the Old House Office Building last Monday to watch the opening of the annual hearings on civil rights legislation. They were held in Room 346, the hearing room of the House Judiciary Committee. This high walled chamber with its heavy leather chairs and thick dark red carpeting, its mahogany book-cases filled with fat legal works, might be the reading room of a well established bar association. Of the four rows of chairs set out for the hearing, scarcely two were filled. There were three Negroes in the audience and three Negro reporters at the press table.

Attorney General Brownell, who was scheduled to be the first witness, arrived early, and looked about him ingratiatingly. He came over to the press table to greet favored reporters, patting one on the back and hailing another with, "Haven't seen you for years." Nobody at the press table was ungentlemanly enough to reply, "you haven't had a press conference in years." The Attorney General is thin and bald, with a sharp face and a much too plausible expression. A satisfied little wisp of a smile plays about his lips, as of a man who feels himself to be a smooth, a very smooth, operator.

Ready for Another Dear Departed

Chairman Celler, with the strong bald head of a late Roman Emperor, the hard working type, rapped the hearing to order from the high committee bench. He read a statement which turned out afterward on examination to be quite eloquent, but he delivered it in a colorless, almost inaudible voice, and in the accents of an overworked preacher at a funeral, sad, resigned and all but completely hopeless. No man struggles more indefatigably year after year in causes foredoomed to failure; Celler fights white supremacy, monopoly, bank holding companies and immigration restrictions, but always in vain; he is the Sisyphus of Capitol Hill.

On Celler's right sat his fate, the handsome gray-haired Keating of New York, the ranking Republican member. If all goes this year as in the past, when the Celler civil rights bill reaches the House floor after all Celler's labors, there will be a motion to strike all but the enacting clause, the weaker Keating bill will be substituted, the new "Celler bill" will pass and then be buried in the Senate. This familiar and remorseless script is enough to make any Congressman sound mortuary.

The Attorney General, flanked by his assistant, Warren Olney III, read his prepared statement next, in cultivated Eastern seaboard tones. Occasionally he tried to spread a little elocutionist *schmaltz* (if the phrase be permissible of so high born an Episcopalian) on its dry and stereotyped phrases about "equal justice under law" and "the very life-blood of representative government." Into this tired and hackneyed text, recited without real feeling, as into this genteel and sedate chamber where Mr. Brownell was so politely questioned, there penetrated no echo of the Negro's agony and humiliation.

A Lily-White Committee

Neither in the questions nor in the statement was there any reference to the Montgomery bombings or the Mississippi murders, except perhaps in the Attorney General's one discreet phrase about "the turbulent events and unfortunate incidents that occurred in the interim", i.e., since the last time he went through the motions of asking civil rights legislation. Though there are three Negroes in Congress and one is a lawyer, no Negro sat as member or guest on that committee bench to question the Attorney General with the deeper feeling of a shared pain. No Negro has ever been assigned to the Judiciary Committee which passes on his hopes of full emancipation. The black man's burden is in white men's keeping.

Mr. Brownell is not without tender feeling. In asking for the right to use civil injunctive remedies against violations of civil rights, he drew a parallel with the anti-trust laws where "as in civil rights cases," he said, "criminal prosecution of violators sometimes is unduly harsh." No one stopped him to note that the only criminal prosecutions ever brought under the anti-trust laws have been against labor leaders. The "malefactors of great wealth", like white supremacists, have always been treated gently. No one asked him in what civil rights prosecutions the law had "sometimes" proven "unduly harsh."

Why No Prosecutions in Ouachita?

Beside Mr. Brownell sat Mr. Olney, the assistant attorney general in charge of the criminal division. Last October 10, in a pre-election grandstand play for the Negro vote, Mr. Olney unexpectedly added to his testimony before the Gore committee on campaign expenditures a vivid picture of how the White Citizens Councils had conspired with registrars in Ouachita Parish, La., and Pierce County, Ga., to purge the rolls of registered Negro voters. No one asked Mr. Olney why no criminal prosecution had been brought. No one asked what was the use of giving additional powers to a Justice Department which was not using the powers it already had.

The G.O.P. is interested in wooing the white Southerner. No filibuster can stop a civil rights program if the Republicans really want one. But the indications are that this session they will again play out their little comedy with the Southern Democrats, and perhaps get another investigating committee (without power of subpoena) and a civil rights division in the Department of Justice (but without power of injunction). This is the kind of toothless civil rights bill Congress is likely to pass this year, if any. The battle will be won on the streets of Montgomery and Tallahassee, not in Washington.

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Underscoring The Need for the Roosevelt "Fair Play for Inductees" Bill

The Kind of Military Injustice Which Haunts A Whole Generation

John H. Harmon III was inducted into the Army in October, 1952. In February, 1954, he was ordered to answer some "derogatory" security information. He was accused of various "associations", including those with his father (reported to be a Communist) and his stepmother (registered with the American Labor Party). He declined on the grounds of "moral indignity" and "filial piety" to answer questions about his parents but freely answered about himself. He also admitted the "charges" against him: that he had registered with the ALP, that he had once worked as a kitchen helper in Camp Unity and as a counsellor in Camp Lakeland with the Detroit Urban League, and that he had solicited contributions for two Detroit Smith Act defendants.

At first the Army recognized that these were less than heinous offenses. He was informed that he would not be discharged as disloyal, but that he would be assigned to non-sensitive duties and on completion of service would be given the type of discharge he had earned in the Army. Five days later, as a result of the uproar McCarthy stirred over the Peress case, the Army was stampeded into applying the civilian security program to military personnel.

How the Army Tried to Make It "Moot"

On June 2, 1954, Harmon was given an "Undesirable" discharge. He appealed on the ground that (except for the solicitation in the Smith Act cases) all the associations complained of occurred before induction and that his ratings in the Army had never been less than "excellent." After the appeal to the courts was filed, the Adjutant General upgraded his discharge from "Undesirable" to "General (under honorable conditions)" and asked that the case be dismissed as moot. But since the General discharge is less than honorable, Harmon continued his appeal. The form of his discharge is especially important since he is a student at Howard University Law School, and this may come up against him when he applies for admission to the bar.

Judge Youngdahl reluctantly ruled against him in District Court here in January of last year. Last week the U.S. Court of Appeals upheld that decision 2-to-1. Judge Prettyman (with Judge Danaher) ruled that the courts could not interfere with the Army discharge procedure. Judge Bazelon dissented on the ground that the Supreme Court has not yet decided whether courts may not in such circumstances review a less than honorable discharge. Before McCarthy frightened the Army in 1954, the traditional practice was that "a man whose conduct has been faithful and honest during the time in service would be entitled to separation under honorable conditions" notwithstanding his prior conduct as a civilian.

The Army Inflicts "A Gratuitous Wound"

"Appellant is a youth who was plucked out of civilian life and made a soldier, as are many others, at the threshold of the career he was planning for himself. Before the end of his term of service, he was restored to his civilian status, but hung about his neck was the millstone of 'security risk.' . . . His military service is admitted to have been 'excellent' and he is not claimed to have done anything illegal or reprehensible during his tour of duty. He does not challenge the discretion of the Secretary of the Army to judge whether the national security is served by dismissing a soldier. He complains only that, in the exercise of that discretion, there is neither necessity nor authority for inflicting upon him a gratuitous wound which may plague him all the rest of his days."

—Judge Bazelon dissenting in Harmon v. Brucker.

Public Campaign Needed

The decision, if upheld by the Supreme Court, would allow the Army to stigmatize young men for life, not for something they did in service but for lawful conduct and associations (including those of their parents) before induction. Not the least disturbing aspect of this case is the solemnity with which the courts accept a House Un-American Activities Committee "citation" of the American Labor Party as somehow subversive though of course the committee attaches such labels unlawfully and without the remotest semblance of a public hearing. Now that it has added the Progressive Party to its list, a million other families may be affected by this kind of ruling. The Harmon decision casts a shadow over a whole generation of young men eligible for Army service. It underscores the need for a public campaign to support the Roosevelt bill described below.

Write your Senator to put a companion measure in the Senate and your Congressman to demand public hearings.

How the Roosevelt Bill Would Help Those Given A Less Than Honorable Discharge

A new bill (HR 429) by James Roosevelt (D. Cal.) provides that any member of the armed forces given a less than honorable discharge may demand a court martial. It also amends the Code of Military Justice so that no court martial may punish a man "for anything done or not done by such person" outside the military service "or for any exercise of a legal or constitutional right", in or out of uniform. The advantage of a court martial is that it is bound by due process and unlike security procedures accords the right to confront and cross-examine accusers. The Roosevelt bill would also permit former members of the armed services to obtain an honorable discharge if they can prove that a less than honorable discharge given them since 1947 was solely because of something they had done or failed to do as civilians.

A similar bill introduced by Roosevelt last session (June 26) was quickly buried in House Armed Services Committee. This year opponents have provided a second line of defense in the shape of a bill (HR 1108) by Clyde Doyle (D. Cal.) a member of both Armed Services and Un-American Activities. The Doyle bill would allow persons given a less than honorable discharge to "clear" themselves by proving that for not less than three years their "character, conduct, activities and habits" had been "good." But an honorable discharge won in this way would not restore the pension, hospitalization, education, loan and other benefits lost by the original discharge. This is not left to inference but specifically stated in the Doyle bill.

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On Howard Fast and Comrade Krushchev's Debt to Comrade Walter

Looked at from Capitol Hill, Howard Fast's renunciation of his ties with the Communist movement has an ironical aspect. Fast's break was in large part due to the revelation of how Jewish writers had been liquidated in the Soviet Union under Stalin, and of the vulgar anti-Semitism which colors the thinking of Krushchev.

The most complete coverage on this aspect of the de-Stalinization campaign, and the source in this country which people of Fast's outlook trusted, is an obscure monthly called *Jewish Life,* originally founded 10 years ago by the *Freiheit,* the Yiddish Communist daily, but more lately operated on its own. Last May *Jewish Life* printed the full text of the sensational article in the *Volkstimme,* the Polish language Communist paper which first disclosed the terrible story of the liquidation of Soviet Jewish writers. Since then, *Jewish Life,* has become critical of Soviet policy. In its most recent February issue, it published the full text of the disclosures made by the Canadian Jewish Communist leader, J. B. Salsberg, who attacked Krushchev for anti-Semitism. The Salsberg report seems to have been the final blow for Fast.

The irony is that *Jewish Life* has just been added by the House Un-American Activities Committee to its blacklist of "subversive" publications, though the only people it has ever subverted are American Jewish intellectuals hitherto faithful followers of the Communist party line. If the House Committee "citation" helps to destroy *Jewish Life,* Comrade Krushchev will be much obliged to Comrade Walter.

Not Sure What They Were, But 30 of Them

Mr. [Dennis A.] Flinn [Director, Office of Security, State Dept.]. He admitted that he could not be specific as to the allegations of the red propaganda, nor cite specific instances as to the spread of that propaganda. He did furnish, however, a list of 30 individuals suspected by him of being 'leftists.' This informant was also not quite articulate when asked to define the term 'leftist.'

Mr. [John J.] Rooney [D. N. Y.] Did he not say he believed there were certain people who were un-American?

Mr. Flinn, Un-American; yes.

—Page 883, House Approp. Com. Hearings on State Dept. Budget for 1957, 84 Con. 2d. Sess.

A sample from the hearing on "Symphony of the Air" last March 14 showing the kind of informer and information used to smear this group of musicians. This was the take-off point for the executive session held by the House Un-American Activities Committee this past week in New York City.

Why The American Communist Party Ought to Dissolve

The Fast renuciation seemed to be timed as a political bomb since it came on the eve of the Communist party convention which opens this week in New York. It will add to the difficulties of the *Daily Worker* insurgents, John Gates, Alan Max and Joseph Clark who have been pursuing an independent Polish-style line. Moscow has been moving back toward Stalinist rigidity and repressiveness, and its influence will be on the side of Wm. Z. Foster. The bureaucrats and careerists of this Lilliputian world—and no doubt its numerous FBI agents—will therefore be for a return to "hard" and "orthodox" Muscovite policies.

We believe the greatest contribution the insurgents could make to the fight for freedom and social reform in America would be to bring about the dissolution of the American Communist party. The Russians will always prefer a hard core of submissive and obsequious fanatics to honest men honestly dealing with the real problems of their own country. Their favorite in the West is the ignominious French Communist Party, with that big pompous pampered stuffed shirt Thorez at its head, and stupefied intellectuals like Joliot-Curie in their entourage of sycophants.

There are good, devoted and heroic people in the American Communist party but they will never be effective until freed from the intellectual bondage of the movement. The real crime of the CP is that it taught a whole segment of youth and intellectuals to believe blindly, to obey without question, to shut their eyes to thought control and political persecution in the Soviet Union immeasurably worse than anything we fight at home, and to slander and destroy by any means those who tried to tell the truth.

A Healthy Reaction Against "Risk Law" Abuses Appears in New York State

Another indication of a changing climate which deserves national attention is the Interim Report on Public Employee Security Procedures just submitted to the New York legislature by Governor Harriman in Albany. The five man committee, appointed last September, is headed by Whitelaw Reid of the New York Herald Tribune. It was established to study the Security Risk Law passed during the Korean war. This allows dismissal where public employes occupy "security positions" in "security agencies."

When enacted, the State Civil Service Commission announced that it would not undertake to determine just what these "security" jobs were until requested. "No such request", the interim report discovers, "was made for more than two years." But, "In 1953, after a subcommittee of the House Un-American Activities Committee had held hearings in the State, a wave of activity by the State Civil Service Commission took place." Some 20 agencies of the state and some 40 units of the New York City government were thereupon designated as having "security positions" in them.

"The immediate connection with the 'security or defense of the nation and the State' of many of these agencies and positions," the committee commented, "is not readily discernible. For example, scientists in the Paleontology Section of the Department of Education have been specified as holding 'security positions', on the ground that they have knowledge concerning the location of caves and their suitability for defense storage purposes. Even probation services of the New York City Domestic Relations Court has been designated as a 'security position.' . . . To subject to summary removal procedures and the label of disloyalty without benefit of court trial, presumption of innocence, and confrontation of witnesses, employees who are not more advantageously situated to commit espionage or sabotage than is the ordinary citizen, is to run counter to our history of personal rights."

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On The Intrepidity of Senator Hennings and the Closed Door Policy of Mr. Dulles

Why Not Ask Nasser, Too, to Respect the Opinion of Mankind?

On the Akaba-Gaza dispute, the important point is that neither the President nor Mr. Dulles last week said one word which might be interpreted as a warning that the U.S. would expect Nasser to obey UN resolutions for free transit at Akaba and desist from *fedayeen* raids from the Gaza strip when Israel withdrew. The effect of this one-sided approach is to encourage Nasser to believe that the U.S. will permit him to resume discrimination not only against Israel but perhaps also against England and France when the Suez is cleared. Washington policy is all-out for the oil-bearing Arab bloc but when the President was asked whether he thought Ibn Saud would now present the Eisenhower Doctrine in a favorable light, his answer was "I don't know."

Progress Report on A Crusader

Getting down to work for this session, Congress seems to have appropriated about $600,000 to undermine constitutional rights and $100,000 to defend them. The House voted the Un-American Activities Committee $305,000 on January 28 and the Senate two days later voted $289,291.45 for the Internal Security Committee and $100,000 for the Hennings subcommittee on constitutional rights. But this 6-to-1 division, lopsided as it is, does not reveal the whole story.

A year ago Hennings curled up to McCarthy to get his 1956 appropriation; Joe withdrew his objections on being assured by Hennings that the latter was "finished" with investigating security-loyalty abuses. This year Hennings got his appropriation without opposition after telling the Senate that the main business of his subcommittee now would be to study due process in administrative law with a view to protecting "the rights of American citizens, including corportions and other business entities." Hennings has put a bill in on this subject, working closely with the American Bar Association. This new Hennings crusade is the same one which Congressman Walter waged before the war, culminating in the Walter-Logan Act to cushion business interests from New Deal regulation. An intrepid fellow, Senator Hennings.

A Triple Alarm, But Where's The Fire?

Mr. SYMINGTON. I ask the distinguished Senator from Montana whether, to the best of his knowledge, there is any present situation requiring the use of our military forces in the Middle East.

Mr. MANSFIELD. To the best of my knowledge, no information has been forthcoming before either of the two committees which would indicate such to be the case. . . .

Mr. MORSE. I do not believe we should hasten into action on any resolution on the Middle East issue until the Administration comes forward at least with one competent witness who can testify . . . that there is an imminent threat of an armed attack on any Arab country by the Soviet Union. . . .

Mr. HUMPHREY. I would say at this point with the Senator's permission that I think we can examine the record of testimony and not find any place where the Secretary [of State] was willing to state that there was any evidence as to any impending military aggression.

Mr. MORSE. He specifically testified that he did not have any such evidence.

—On the floor of the U.S. Senate, Jan. 29.

From the Open Door to the Closed

As we get it from Mr. Dulles's latest, the Chinese Communists are so perfidiously anxious to lift the Bamboo Curtain that they even offered to free the ten American fliers still in their jails if we would let U.S. newspapermen visit China. Mr. Dulles termed this blackmail. He might have gone further and characterized it as an attempt by Peking to interfere with interference with freedom of the press. Secretary of State John Hay went down in history as the author of the Open Door policy on China; Mr. Dulles seems to be carving out a niche of his own in manly defense of the Closed.

And one way to clean up the labor movement, of course, is for others to join Dave Beck in Europe for relief from Senatorial strain. They could be pensioned off with a classy title, perhaps as labor leaders emeritus, *in absentia ab subpoena.*

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